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sending 3 pages (including cover sheet)

DATE	August 29, 2002	SENDER ID #	
FROM	David Rucando Technology Specialist	CLIENT #	30235-1
DIRECT DIAL #	617.239.0742		
NAME	COMPANY	PHONE #	FAX #
Jeanine Anne Goldberg	PTO	(703) 308-5355	(703) 308-5355

COMMENTS:

For the attached application number and information, would you please fax to Dave Rucando's (Tech. Specialist) attention the following:

For the attached "Disposition of Claims #6 (1-19) are rejected". Would you please fax the reasons why (we do not have this information in the file).

Please note, that we do not need the references (we have these documents in the file).

Please call: Lisa Fletcher, Patent Admin. if you have any questions at (617) 239-0100.

Thank you.

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REV 10/01

For Fax Problems, Please Call: 617.239.0122

Office Action Summary

Application No.

09/920,000

Applicant(s)

KAY, PETER H.

Examiner

Jeanine A Goldberg

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 139).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(e).

Status

- 1) ☒ Responsive to communication(s) filed on 1/8/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Notice of References Cited

Application/Control No.

09/920,000

Applicant(s)/Patent Under
Reexamination
KAY, PETER H.

Examiner

Jeanline A Goldberg

Art Unit

1634

Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,150,097 A1	11-2000	Tyagi et al.	435/6
	B	US-6,355,421 B1	03-2002	Coull et al.	435/6
	C	US-6,207,387 B1	03-2001	Elsas et al.	435/6
	D	US-6,265,171 B1	07-2001	Herman et al.	435/6
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U	Hua et al. "Calculated Melting Temperatures of methylated Z-DNA" Gov. Rep. Announce. Indexs US, Vol. 88, No. 8 Abstract No. 847,050 1988.				
	V	Ehrlich et al. "Unusual properties of the DNA from Xanthomonas phage ZP-12 in which 5' methylcytosine completely replaces cytosine" Biochimica et Biophysica Acta, Vol. 395, No. 2, pages 109-119, June 1975.				
	W	Yasmasaki et al. "Methylation of adenine bases in the N6H2 groups decreases the melting temperature of the DNA duplex independently of the nucleotide sequence". Proc. Japan Acad. Vol. 74, No. 9, pages 210-215, November 1998.				
	X	Leng et al. "Etude des effets de la methylation sur le comportement de L'acide desoxyribonucleique". Biochimica et Biophysica Acta. Vol. 174, No. 2, pages 574-584, 1969.				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.